

JP:RTP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

11-M-1020

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UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR AN ARREST WARRANT

- against -

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(2))

FELIPE DEMESA-JAVIER,
also known as
"Felipe Demeza-Javier,"
"Filipe Demesa" and
"Yureida Cardinas-Gutierrez,"

11-M-1020

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

BRIAN FIGUEIREDO, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about September 17, 2011, within the Eastern District of New York and elsewhere, the defendant FELIPE DEMESA-JAVIER, also known as "Felipe Demeza-Javier," "Filipe Demesa" and "Yureida Cardinas-Gutierrez," an alien who had previously been deported from the United States after a conviction for an aggravated felony, was found in the United States without the Secretary of the United States Department of Homeland Security, successor to the Attorney General of the United States, having

expressly consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about September 17, 2011, the defendant FELIPE DEMESA-JAVIER was arrested under the name Felipe Demeza-Javier by the New York City Police Department in Queens, New York for Assault on a peace officer, police officer, fireman or emergency medical services professional, contrary to Section 120.08 of the New York State Penal Law, and Obstructing governmental administration in the second degree, contrary to Section 195.05 of the New York State Penal Law.

3. Subsequent to the arrest, ICE officials ran a criminal history and found that the defendant FELIPE DEMESA-

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

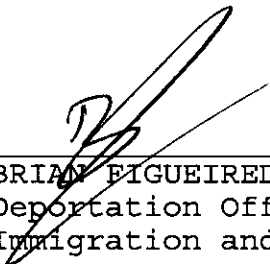
JAVIER, a citizen of Mexico, had been previously removed from the United States on August 31, 1999.

4. ICE officials determined that on or about February 10, 1999, the defendant FELIPE DEMESA-JAVIER, under the name "Filipe Demesa," was convicted of Assault on a police officer in Van Nuys, California, a felony offense.

5. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying his February 10, 1999 conviction; the fingerprints taken in connection with the defendant's August 31, 1999 removal; and the fingerprints taken in connection with the defendant's September 17, 2011 arrest, and determined that all three sets of fingerprints were made by the same individual.

6. A search of ICE records has revealed that there exists no request by the defendant for permission from the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, to reapply for admission to reenter the United States after removal.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant FELIPE DEMESA-JAVIER, also known as "Felipe Demeza-Javier," "Filipe Demesa" and "Yureida Cardinas-Gutierrez," so that he may be dealt with according to law.



BRIAN FIGUEIREDO
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
17th day of October, 2011

GE